IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 14056 of 2005(W)

PETITIONER:

RAJASREE MOTORS PVT. LTD.,
2/393(C), N.H.47, MARADU P.O.,
COCHIN-4, REPRESENTED BY ITS
MANAGING DIRECTOR S.SIVAKUMAR.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

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1. THE REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE,
ERNAKULAM.

2. THE JOINT DIRECTOR GENERAL OF FOREIGN
TRADE, DIRECTORATE GENERAL OF FOREIGN TRADE,
UDYOG BHAVAN, NEW DELHI.

3. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF COMMERCE AND INDUSTRY,
NEW DELHI.

R1 BY GOVERNMENT PLEADER SMT.SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF PRICELIST OF PASSENGER CARS MANUFACTURED BY DAIMLER CHRYSLER.

P2: TRUE COPY OF SALE CERTIFICATE IN FORM 21.

P3: TRUE COPY OF CHAPTER 87 OF FOREIGN TRADE POLICY 2004-2009.

P4: TRUE COPY OF CIRCULAR DT.15.10.2004 ISSUED BY R2.

P5: TRUE COPY OF TYPE APPROVAL CERTIFICATE DT.18.6.2004 IN RESPECT OF S.L.K.350.

P6: TRUE COPY OF CERTIFICATE IN FORM 22.

P7: TRUE COPY OF LETTER DT.2.5.2005 FROM PETITIONER TO R1.

P8: TRUE COPY OF REPLY DT.4.5.2005 FROM R1 TO PETITIONER.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.14056 of 2005

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Dated this the 27th day of March, 2007.

JUDGMENT

The petitioner is challenging Ext.P8 whereunder the first respondent has demanded testing certificate under Rule 126 of the Central Motor Vehicles Rules, 1989 for registration of a Mercedes Benz car imported by Daimler Chrysler India Pvt. Ltd., of which petitioner is the dealer. The contention of the petitioner is that the vehicle imported by the petitioner is of the type which is exempted from Rule 126 of the Central Motor Vehicles Rules under the EXIM policy produced as Ext.P3. Even though clause 87 (2)(ii)(c)(i) require production of certificate under Rule 126 of the Central Motor Vehicles Rules, clause 7 of the said Rules grants exemption from the requirement of production of certificate under Rule 126 for completely built vehicles imported, which are of the value above 40,000 US dollars and with an engine capacity of 3000 cc, if it is a petrol engine. The import is by the dealer in India and particulars furnished in Exts.P2, P6 and P7 show that the car presented for registration by the petitioner falls under the exemption clause contained in Ext.P3. In the circumstances, W.P. is disposed of directing the first respondent to regularise the provisional registration

granted or grant regular registration under Rule 47 of the Central Motor Vehicles Rules without the requirement of petitioner producing any certification under Rule 126.

C.N.RAMACHANDRAN NAIR
Judge

pms